



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,311	07/01/2003	Stefan Ehrler	09282.0043-00	3985
60668 7590 12/09/2008 SAP / FINNEGAN, HENDERSON LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				
EXAMINER SINGH, GURKANWALJIT				
ART UNIT 3624		PAPER NUMBER		
MAIL DATE 12/09/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/611,311

**Applicant(s)**

EHLER ET AL.

**Examiner**

Gurkanwaljit Singh

**Art Unit**

3624

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 September 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6, 7, 35-41 and 47 is/are pending in the application.  
4a) Of the above claim(s) none is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-4, 6, 7, 35-41 and 47 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 01 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This final Office action is in response to applicant's communication received on September 09, 2008, wherein claims 1-4, 6-7, 35-41 and 47 are currently pending. Claim 5 has been cancelled. Claims 8-34, and 42-46 have been withdrawn due to restriction requirement as stated in the previous actions. Claims 1, 6, 35, 36, 39, 41, and 47 have been amended.

#### ***Response to Amendment***

2. The amendment filed September 09, 2008 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Amended claim 6 now recites the term "optimized allocation." This term is not found, described, or defined anywhere in the specifications.

Applicant is required to cancel the new matter in the reply to this Office Action.

#### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-4, 6-7, 35-41 and 47 have been considered but are moot in view of the new ground(s) of rejection necessitated by applicant's amendments.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-4, 6-7, 35-41 and 47** are rejected under 35 U.S.C. 102(a) as being anticipated by Brodersen et al., (U.S. 2002/0029161).

6. As per **claims 1-2, 35, 41, and 47**, Brodersen discloses a computer readable storage medium comprising bearing instructions which when executed by a processor in a computer to cause a the computer to execute (§ 0028) a method for identifying and optimizing human resources (Abstract, ¶ 0001, 0014-0028 ["invention matches resources, such as employees"]) for use in business projects (¶ 0001-002, 0041 ["needs of the business"]), the method comprising:

enabling a project manager to search a database for specific human resources (¶ 0014) that may be used for participation in projects (Abstract, ¶¶ 0015-0017), the database containing time periods during which each of the human resources is available and amounts of human resource participation for

which the human resources can be used for the projects (§§ 0014  
["workload...availability"], 0015-0017),

wherein the projects require two or more resources to complete and the  
projects are comprised of a set of tasks, each individual task among the set of  
tasks requiring at least one qualifying attribute that qualifies each resource to  
perform a given task in the project (§§ 0015 ["resources"], 0016  
["evaluated...qualified"], 0017-0028);

the searching comprising matching proposed amounts of human resource  
participation (Abstract, 0001-0013, and 0014-0028 ["matching....resources"]),  
proposed time periods (0014-0017 ["availability"]), and the at least one qualifying  
attribute of the human resource with the available time periods, available  
amounts of human resource participation, and available qualifying attributes  
stored in the database for each of the projects (§§ 0014-0017 ["availability rules"],  
0040-0043, 0046, 0060, 0067, 0088, 0096, 0116);

identifying, based on qualifying attributes necessary to complete each task  
of each project, available human resources based on the matching (0014-0017  
["availability rules"], 0040-0043, 0046, 0060, 0067, 0088, 0096, 0116);

determining a priority value for each of the projects (§ 0042-0046  
["weighing...ranking...tasks"], 0070 ["hierarchical"], 0007, 0121); and

presenting a proposed allocation of human resources to the project  
manager for a project based on the identified available human resources and the

priority value of the project (Figs. 1-6, ¶¶ 0042-0046, 0065, 0083, 0091-0092, 0094, 0100-0105).

7. As per **claim 2**, Brodersen discloses the method and system above in which the resources comprise people (disclosed throughout the reference, for example see Abstract, ¶ 0001, 0014-0028 ["employees"]).

8. As per **claim 3**, Brodersen discloses the method and system above in which the time periods during which each of the resources is available comprise availability (¶¶ 0014-0017 ["availability rules"], 0040-0043, 0046, 0060, 0067, 0088, 0096, 0116).

9. As per **claim 4**, Brodersen discloses the method and system above in which the amounts of participation for which the resources can be used comprise utilization (¶¶ 0049, 0014-0028).

10. As per **claim 6**, Brodersen discloses the method and system above also including a selection by a planner of resources to be used for the projects, the selection being made from among the optimized allocation of resources (¶¶ 0041 ["optimization engine"]).

11. As per **claim 7**, Brodersen discloses the method and system above also including communicating with resources about the selection using a groupware program (¶¶ 0128, 0066, 0014-0028, and 0042-0046).

12. As per **claim 36**, Brodersen discloses the method and system above in which the attributes comprise qualifying attributes that define qualifications of the human resources (¶¶ 0014 ["invention matches resources, such as employees"], 0015 ["resources"], 0016 ["evaluated...qualified"], 0017-0028, 0138-0139, 0142, 0154).

13. As per **claim 37**, Brodersen discloses the method and system above in which the attributes comprise capacitive attributes that define time constraints on suitable human resources (§§ 0014, 0015-0028).
14. As per **claim 38**, Brodersen discloses the method and system above in which the capacitive attributes include availability or utilization (§§ 0014, 0015-0028).
15. As per **claim 39**, Brodersen discloses the method and system above also including enabling the project manager to identify the importance of respective qualifying attributes (§§ 0046-0048, 0070, 0007, 0121).
16. As per **claim 40**, Brodersen discloses the method and system above in which the importance can be identified as mandatory or optional for qualification purposes (§§ 0042-0048, 0070, 0007, and 0121).

### ***Conclusion***

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gurkanwaljit Singh whose telephone number is (571)270-5392. The examiner can normally be reached on Monday to Thursday 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Bayat can be reached on (571)272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. S./  
Examiner, Art Unit 3624

/Bradley B Bayat/

Supervisory Patent Examiner, Art Unit 3624